

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2723, 657, 2456, 2465, 2474, 2476, 2525 and 2659**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2013

The Assembly Budget Committee reports favorably Senate Bill Nos. 2723, 657, 2456, 2465, 2474, 2476, 2525 and 2659 (SCS/SCS) (1R), with committee amendments.

As amended, this bill revises various statutes concerning the regulation of firearms.

Firearms Purchaser Identification Under this bill, the current paper firearms purchaser identification card (FPIC) would no longer be issued to New Jersey residents. The information on the FPIC would be embedded in a firearms purchaser identifier with a picture. On or before the first day of the seventh month after the bill's enactment, the Attorney General and the Superintendent of State Police are charged with determining whether this information would be embedded in the driver's license or be a separate, independent card. The provisions of the bill would not affect the way firearms purchaser identification cards are issued to nonresidents.

If the driver's license is adopted as the firearms purchaser identifier, the bill requires that the firearms database and the motor vehicle database be maintained as distinct and separate entities, the firearms database by the Superintendent of State Police and the motor vehicles database by the chief administrator. The superintendent and the chief administrator also are required to adopt protocols for access to these databases by law enforcement. Non-law enforcement entities would not be permitted access to the firearms database.

The bill outlines similar requirements the superintendent is to follow if the Attorney General selects a separate, independent card with a digitalized photograph to serve as the State's firearms purchaser identifier.

A FPIC would remain valid until the first renewal of the person's firearms purchaser identifier occurring after the first day of the 25th

month after the bill's effective date. The transition from the current paper card to having this information embedded in a firearms identifier would take place over a two to five year phase-in period, depending upon which system is selected. Residents who do not have a driver's license would have their FPIC information embedded on the identification cards that are issued by the Motor Vehicle Commission under the "Identification Cards for Nondrivers' Act," P.L.1980, c.47 (C.39:3-29.2).

Beginning on the first day of the 75th month after the bill's effective date, all retail dealers of firearms would be required to use this system.

The superintendent would be able to operationally disable the identifier for purposes of purchasing or receiving a firearm if the holder becomes subject to any of the statutory disabilities.

This bill does not alter the qualifications and requirements for the issuance of a FPIC or embedded driver's license or identification card. A person who applies for a FPIC or embedded firearms purchaser identifier is still required to submit to a criminal history background check to determine if the applicant is disqualified from owning a firearm under the law.

Permit to Purchase a Handgun This bill clarifies that any person who purchases a handgun is also required obtain a FPIC in addition to a permit to purchase a handgun (PPH). The PPH information would be embedded on the identifier and would be valid for four years. Current law requires handgun purchasers to possess a valid PPH for every handgun purchased. Any paper FPIC or PPH issued under current law would remain valid until the holder's driver's license or identification card is subject to renewal; the information thereafter would be embedded on the license or card.

The bill requires the Attorney General to develop and implement the system that will allow retail firearms dealers to use the embedded firearms purchaser identifier to instantly determine whether that buyer is qualified to purchase a firearm. Between the first day of the 25th month and the first day of the 73rd month following the bill's effective date, the superintendent is to test and evaluate the system. The superintendent also is to select, and over time expand, the number of the retail licensees to participate in the test.

If the superintendent determines after 36 months of testing that the system is seriously flawed, the superintendent is to report to the Governor and the Legislature recommending that implementation be postponed until the Attorney General and the superintendent determine that the system is fully operational.

After the Attorney General has implemented this system, all retail firearms dealers would be required to use the system. In the case of a handgun purchase, the system would enable a retail dealer to determine whether the transaction violates the State's prohibition on purchasing more than one handgun in a 30-day period.

Firearms Safety Course The bill requires applicants for the firearms purchaser identifier to present evidence of the successful completion of a firearms safety class or course approved by the superintendent as a condition for being issued the card, license, or permit. This requirement only would be applicable to persons who apply for a card or permit or embedded license or identification card after the bill's effective date. Applicants who have received firearms training through any of the training programs specified in the bill may bill that experience for the required class or course training.

In developing the curriculum, the superintendent is to work in cooperation with a firearms safety panel. If the panel does not develop the curriculum within 60 days of the appointment of its members, the superintendent is required to develop the curriculum. The panel is to consist of four members, with two members appointed by the Senate President and two members by the Speaker of the General Assembly.

The bill's provisions also require the court, upon motion of the prosecutor, to determine whether a person who has been convicted of a crime possesses a FPIC, a permit to carry a handgun or a firearms identifier. If the court determines that the convicted person possesses such a card, license, or permit, the court is to revoke the card, license, or permit at sentencing, after notice and a hearing. Currently, failure to comply with any of the regulatory provisions relating to firearms is a crime of the fourth degree under subsection a. of N.J.S.2C:39-10.

The bill also:

- Requires the superintendent to establish an electronic reporting program for dealers to record their sales and transfers of ammunition on a real-time basis. The superintendent is to establish an electronic data base containing all of the dealer reported information, which is to be available to all law enforcement officers on a real time basis. The reporting system would include the name, address, age, type of documentation used to establish eligibility to purchase, caliber or gauge of the ammunition sold, numerical amount of ammunition transferred in the sale, and any other information deemed necessary by the superintendent.
- Requires a person to apply for a duplicate firearms identifier in the case of a change of residence. A driver's license or a State-issued non-driver identification card, which includes a photograph of the holder, must be used to provide proof of the change of address. The person must certify that he is not subject to any of the statutory disabilities. The duplicate card will be issued without a criminal history records check or mental health records check first being conducted if the applicant is a full-time member of a municipal, county, State or federal law enforcement agency.

- Mandates that the seven day waiting period for a handgun purchase permit under current law would be applicable to sales of handguns under the system implemented by this bill.
- Requires the issuing authority to access the Civil Commitment Automatic Tracking System (CCATS) when conducting background checks for the purchase of firearms.
- Requires a person to possess an FPIC and a PPH or a permit to carry a handgun, or the identifier created under this bill, to purchase or acquire handgun ammunition.
- Provides a mechanism for a court to authorize law enforcement officers to search for and seize weapons from a person whom a court has determined is in need of involuntary commitment to mental health treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.). The procedures established in the bill are modeled on the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.).

As amended and reported, this bill is identical to Assembly Bill No. 4182, as also amended and reported by the committee.

FISCAL IMPACT:

The fiscal impact is likely to involve an indeterminate, but significant, increase in State expenditures. Owing to potential variations in implementation, no precise estimate of total costs can be developed, and no specific timeframe over which those costs will be incurred can be forecast. The bill's most notable cost drivers include: development of multiple accommodating databases, sale reporting systems, and public education and signage campaigns. Implementation costs may be offset to an unknown degree by increased identification card renewal applications and the fees therefrom.

COMMITTEE AMENDMENTS:

The amendments concern the screening of persons believed to be in need of involuntary commitment to mental health treatment by mental health screeners, psychiatrists, and doctors. The amendments change a requirement that these screeners "ascertain" whether a person owned a firearm or possessed a FPIC, permit to purchase, or firearms purchaser identifier to one under which the screeners would only be required to "ask" whether the person owned a firearm or possessed one of the documents.

The amendments also change a requirement that the court order that the firearms or documents of a person found to be in need of involuntary commitment be searched for by law enforcement, seized, and in the case of a firearms purchaser identifier, be operationally disabled to the grant to the court of the discretion to order this search and seizure.

The amendments also made other technical and clarifying changes to the bill.